

REMARKS

The Examiner is requiring restriction to one of the following groups:

- Group I: Claims 7-9, drawn to R2 is piperidine compounds, classified in class 546, subclass various, depending on species election. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the species election may be required. Claims 1-6, 12 reading on the elected compound can be prosecuted together with the election; and
- Group II: Claim 10, drawn to R2 is carbonline, classified in class 548, subclass various depending on species election. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the species election may be required. Claims 1-6, 12 reading on the elected compound can be prosecuted together with the election; and
- Group III: Claim 11, drawn to R2 is piperazine, classified in class 544, subclass various depending on species election. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the species election may be required. Claims 1-6, 12 reading on the elected compound can be prosecuted together with the election; and
- Group IV: Claims 1-6, 12, drawn to R2 is the remaining subject matter, classified in class various, subclass various depending on species election. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the

species election will be made among the remaining I-VII  
substructure

Applicants provisionally elect Group I, Claims 7-9, drawn to indazole compounds where R2 is piperidine compounds, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the four groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Additionally, Applicants elect as species the compound of Example 130 on page 115 of the specification, namely, 4-(2-fluoro-5-methylphenyl)-4-hydroxy-1-piperidinecarboxylic acid (1H-indazol-3-yl)amide.

Finally, Applicants respectfully submit that the present application has been filed under 35 U.S.C. § 371 and should be considered under the PCT rules (MPEP § 1893.03(d)). In the International Search Report, the unity of the invention is acknowledged. Moreover, the entire scope of the invention has been searched by the International Search Authority. As a result of the search, no references denying the novelty and inventive step of the present invention was found. Therefore, an excessive burden on the examination is not considered to be imposed. Given this, the entire scope of the invention should be examined, or at least the entire scope wherein R2 of Claim 1 is represented by formula II and the use thereof (Claim 12) should be examined together.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

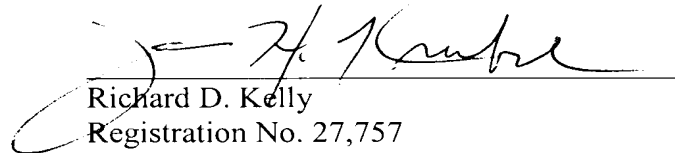
Customer Number

**22850**

Tel: (703) 413-3000

Fax: (703) 413 -2220

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Richard D. Kelly  
Registration No. 27,757

James H. Knebel  
Registration No. 22,630